

FILED 05 JUL 16 16 19 1995 CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

THE GRAND JURY CHARGES:

COUNT ONE

On or about May 26, 2008, through at least May 28, 2008, in the District of Oregon, the defendants,

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GARY DAVID MOSS

and

DEVAN GRANT KLAUSEGGER,

along with others known to the Grand Jury but not named herein, did willfully conspire and agree to oppress, threaten, and intimidate Jonathan Carlton Whyte, who is black and of Jamaican descent, and members of the Whyte family (the "Whytes"), who resided at 505 Benson Street, Medford, Oregon, in the free exercise and enjoyment of rights secured to them by the Constitution and laws of the United States, that is, to hold and occupy a dwelling without intimidation or interference because of their race and color.

OBJECT OF THE CONSPIRACY

It was the object and purpose of this conspiracy to burn the letters "KKK" and the symbol of a cross in the yard of the Whytes' home in order to threaten and intimidate the Whytes, and thereby to interfere with their rights to hold and occupy their dwelling.

OVERT ACTS

In furtherance of this conspiracy and to accomplish its object and purpose, the defendants, and co-conspirators known to the Grand Jury, did perform the following overt acts within the District of Oregon:

1. On or about May 26, 2008, one or both defendants, using racial slurs, expressed dislike of African-Americans, specifically the "Nigger" that lived in the neighborhood and talked about lighting a "Nigger's" lawn on fire.
2. On or about May 26, 2008, defendant DEVAN GRANT KLAUSEGGER met defendant GARY DAVID MOSS at MOSS's residence at 519 Union Avenue in Medford, Oregon.
3. On or about May 26, 2008, at defendant GARY DAVID MOSS's residence, defendant DEVAN GRANT KLAUSEGGER possessed explosive devices made from "Aquafina" 20 ounce water bottles, fireworks and black tape.
4. On or about May 26, 2008, defendant GARY DAVID MOSS obtained a container of flammable liquid to be used to light a lawn on fire.
5. On or about May 26, 2008, defendant DEVAN GRANT KLAUSEGGER and another co-conspirator walked from defendant GARY DAVID MOSS's residence to another residence at 328 Hamilton Street, Medford, Oregon, where defendant DEVAN GRANT KLAUSEGGER detonated an explosive device at the front door of the residence.

6. On or about May 26, 2008, defendants DEVAN GRANT KLAUSEGGER, GARY DAVID MOSS and a co-conspirator walked from defendant MOSS's residence to the Whytes' residence at 505 Benson Street, Medford, Oregon.
7. On or about May 26, 2008, defendant GARY DAVID MOSS poured flammable liquid in the shape of the letters "KKK" and a cross on the Whytes' front yard.
8. On or about May 26, 2008, defendant DEVAN GRANT KLAUSEGGER handed defendant GARY DAVID MOSS an explosive device to ignite the flammable liquid on the Whytes' front yard. This explosive devise matched the explosive device used by defendant DEVAN GRANT KLAUSEGGER at 328 Hamilton Street.
9. On or about May 26, 2008, defendant GARY DAVID MOSS lit the explosive device and placed it on top of the flammable liquid which caused a fire to burn in the shape of the letters "KKK" and a cross on the Whytes' front yard.
10. On or about May 26, 2008, after lighting the fire, the defendants and a co-conspirator ran from the Whytes' residence to defendant GARY DAVID MOSS's residence, where they hid to avoid detection.

11. On or about May 28, 2008, defendant GARY DAVID MOSS told another co-conspirator that he had better not tell anyone that MOSS had started the fire.

All in violation of Title 18 United States Code, Section 241.

COUNT TWO

On or about May 26, 2008, in the District of Oregon, the defendants,

GARY DAVID MOSS

and

DEVAN GRANT KLAUSEGGER,

along with others known to the Grand Jury but not named herein, by force and threat of force involving the use of fire, did willfully intimidate and interfere, and attempt to intimidate and interfere with Jonathan Carlton Whyte, who is black and of Jamaican descent, and members of the Whyte family, by burning flammable liquid in the shape of "KKK" and a cross in the yard of the Whytes' residence because of their race and color and because they were occupying a dwelling located at 505 Benson

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Street in Medford, Oregon.

All in violation of Title 42, United States Code, Section 3631(a). and Title 18, United States Code, Section 2.

DATED this 16 day of July, 2008:

A TRUE BILL:

s/ Grand Jury Foreperson

Foreperson

Presented by:

KAREN J. IMMERMUT
United States Attorney

W. E. Fitzgerald
WILLIAM E. FITZGERALD
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